

March 2, 2017

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: WC Docket No. 11-42 Lifeline and Link Up Reform and Modernization  
WC Docket No. 09-197 Telecommunications Carriers Eligible for Universal Service  
Support  
WC Docket No. 10-90 Connect America Fund

VIA ELECTRONIC FILING

Dear Secretary Dortch:

As you know, our organizations<sup>1</sup> have been active supporters and advocates of the Lifeline program, and of the modernization order to expand Lifeline to include broadband. As we have noted in the past, Lifeline has brought affordable telephone service to millions of people in poverty, helping them to find and keep jobs, access health care, emergency and educational services, and to remain active in their communities. We applaud and support the Agency's efforts to expand Lifeline broadband, and recognize that it is one of the most successful federal programs aimed at bridging the digital divide.

We have reviewed TracFone's January 18, 2017 request for clarification<sup>2</sup> and join them in urging you to stop the abuse of the so-called "port freeze" rule, which is now being used to limit consumer choice and access to true broadband service and broadband-suitable devices. We urge you to stop Lifeline providers who are using the "port freeze" rule to "lock up" for twelve months those Lifeline customers who were enrolled as voice-only Lifeline customers and who were provided with standard cellular telephones suitable for voice and text messaging, but which are unsuitable for use with Broadband Internet Access Service.

Consumers should receive true broadband access through Lifeline, as outlined in your Lifeline Modernization Order. That means a device that provides true Broadband Internet Access Service, not a phone referenced in the TracFone filing: "where certain Lifeline

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<sup>1</sup> Consumer Action is a national non-profit advocacy and education organization that has served consumers since 1971. Consumer Action has a national reputation for multilingual consumer education and advocacy in the fields of credit, banking, privacy, insurance and utilities. Consumer Action's nationwide network of more than 8,000 community-based organizations enables it to reach millions of consumers—in their own languages and in their own communities.

The National Consumers League, founded in 1899, is America's pioneer consumer organization. Its mission is to protect and promote social and economic justice for consumers and workers in the United States and abroad. For more information, visit [www.nclnet.org](http://www.nclnet.org).

<sup>2</sup> See Letter from Mitchell F. Brecher, Greenberg Traurig, LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42 et al. (filed Jan. 18, 2017).

providers which claim to provide mobile broadband Lifeline service through use of feature phones are not even purporting to "provide" 500 MB of mobile broadband data - the minimum service standard for broadband data codified in the Commission's rules (See 47 C.F.R. § 54.408(b)(2))."<sup>3</sup>

Lifeline provides affordable telephone service to millions of people in poverty and is poised to bring broadband to low-income families across the U.S. This will allow families to connect to jobs, complete homework, and access healthcare and emergency services. Locking a customer in to a 3G-feature phone with a practically unusable screen and forcing a reliance on Wi-Fi does not translate into meaningful Internet access for low-income households. Our organizations respectfully ask the Commission to ensure that any Lifeline broadband provider meets the 500 MB minimum service standard for mobile broadband services. 3G feature phones do not provide Broadband Internet Access Service that is usable. Broadband access through Wi-Fi (and limited to Wi-Fi hotspot locations which may rarely be convenient to Lifeline consumers) does not meet the 500 MB minimum standard.

Respectfully submitted,

Ken McEldowney  
Consumer Action

Sally Greenberg  
National Consumers League

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<sup>3</sup> Ibid